

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**KEILA OWENS**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 4:13-cv-137-NBB-JMV**

**CROSSMARK, INC.**

**DEFENDANT**

**REPORT AND RECOMMENDATION**

This matter comes before the court on Defendant Crossmark, Inc.'s failure to show cause as ordered by this court [15]. This court's previous show cause order [15] and the amendment to the show cause order [17] instructed counsel to explain their failure to comply with the admission to practice notice and for the plaintiff to explain why she had not submitted a confidential case management memorandum.

Plaintiff's counsel, Mr. Ralph Powell and Mr. Richard Myers, have been in contact with this court since the entry of the show cause order [15]. They have repeatedly expressed the plaintiff's decision to voluntarily stipulate dismissal pursuant to Rule 41. The court has received several stipulations of dismissal, but none of them include the plaintiff's signature. Most recently, plaintiff's counsel submitted a stipulation of dismissal with the plaintiff's signature line blank and an email from the plaintiff stating, "I wish to withdraw from this case. Thank you!"

The court finds these various drafts of the stipulation to dismissal to be inadequate, primarily, because the plaintiff's signature is blatantly missing. Now, the court turns back to its prior show cause orders and finds this case should be dismissed for failure to comply with those orders. For the foregoing reasons, it is recommended this case be dismissed for failure to obey an order of the court.

The parties are referred to L. U. Civ. R. 72(a)(3) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 12<sup>th</sup> day of December, 2013.

/s/ Jane M. Virden  
**UNITED STATES MAGISTRATE JUDGE**